Remarks

In view of the above amendments and the following remarks, reconsideration of the rejections and further examination are requested.

Initially, the Applicants would like to thank the Examiner for conducting the telephone interview on February 19, 2008. During the interview, the differences between the present invention and Fukushima (JP 2000-322818), as well as possible claim amendments that more clearly set forth these differences, were discussed. As will be detailed below, it is noted that independent claims 1,7 and 9 have been amended based on the suggested amendments set forth by the Examiner.

Claims 1, 3, 7, 9 and 11 have been rejected under 35 U.S.C. §102(b) as being anticipated by Fukushima.

Claims 1, 7 and 9 have been amended so as to further distinguish the present invention, as recited therein, from the reference relied on in the above-mentioned rejection. As a result, the above-mentioned rejection is submitted to be inapplicable to the amended claims for the following reasons.

Claim 1 is patentable over Fukushima, since claim 1 recites an optical disc including, in part, a drive information area comprising a plurality of clusters, wherein information from all sectors except a last sector in an immediately proceeding cluster is newly recorded to sectors following a first sector in a new cluster which includes new drive-specific information, the immediately preceding cluster being recorded with all previous records of drive-specific information, and the new cluster is immediately next to the preceding cluster in the same drive information area in an outward radial direction of the optical disc. Fukushima fails to disclose or suggest these features of claim 1.

According to the present invention, as recited in claim 1, the drive-specific information stored in one cluster is not the same as that stored in another cluster. For example, as illustrated in Figure 5 of the specification, when the first drive-specific information D(1) is produced, it is recorded in the first sector #1 of the first cluster #1. Then, as illustrated in Figure 6 of the specification, when the second drive-specific information D(2) is produced, it is stored in the first sector #1 of the second cluster #2, the second cluster #2 being located next to the first cluster #1. In this situation, the first drive-specific information D(1) as stored in the first cluster #1 remains unchanged. Also, in cluster #2, the first drive-specific information D(1) is stored in

the second sector #2. Next, as illustrated in Figure 7, when the third drive-specific information D(3) is produced, it is stored in the first sector #1 of the third cluster #3, the third cluster #3 being located next to the second cluster #2. In this situation, the drive-specific information as stored in the first cluster #1 and the second cluster #2 remain unchanged. Also, in cluster #3, the first and second drive-specific information D(1) and D(2) are stored in the third and second sectors #3 and #2, respectively. It is noted that this manner of handing the newly produced drive-specific information is clearly set forth in claim 1.

According to the present invention as discussed above and set forth in claim 1, the drive information area has such a structure that the information is updated, not by over-writing, but by writing to new area (cluster), resulting in different drive-specific information being stored in a current cluster than the preceding cluster, wherein the new cluster is immediately next to the preceding cluster in the same drive information area in an outward radial direction of the optical disc. On the other hand, as will be discussed in detail below, Fukushima discloses the updating of information by over-writing in parallel in two locations, resulting in the same drive-specific information being stored twice.

Fukushima discloses an information recording medium including a drive information field 502 including a first drive information field 502a for recording first drive information 521 and a second drive information field 502b for recording second drive information 522. The first and second drive information fields 502a and 502b are used to provide redundancy in case one is rendered unreadable. Each of the first drive information 521 and the second drive information 522 includes two to sixteen record/playback conditions 521a. The record/playback conditions 521a are stored from newest to oldest.

During operation, if it is determined that none of the sixteen record/playback conditions 521a stored in the first and second drive information fields 502a and 502b is acceptable, a new record/playback condition 521a is determined for the information recording medium and the first and second drive information fields 502a and 502b are updated to include the new record/playback condition 521a. The updating of the first and second drive information fields 502a and 502b includes overwriting the oldest previously stored record/playback condition 521a with the new record/playback condition 521a and changing the order of storage of the record/playback conditions 521a accordingly. (See paragraphs [0009] – [0012], [0014], [0015] and [0132]-[0134]).

Based on the above discussion, it is clear that Fukushima overwrites the record/playback conditions 521a stored in both the first and second drive information fields 502a and 502b for redundancy purposes. However, Fukushima fails to disclose or suggest a plurality of clusters, wherein information from all sectors except a last sector in an immediately proceeding cluster is newly recorded to sectors following a first sector in a new cluster which includes new drive-specific information, the immediately preceding cluster being recorded with all previous records of drive-specific information, and the new cluster is immediately next to the preceding cluster in the same drive information area in an outward radial direction of the optical disc as recited in claim 1.

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Fukushima in view of Yamagami (US 6,256,282).

Regarding Yamagami, it is relied upon as disclosing an optical disc including a plurality of recording layers each read by a read beam from a same side of the optical disc. However, Yamagami fails to disclose or suggest the above-discussed features of claim 1. As a result, claim 4 is patentable over the combination of Fukushima and Yamagami for the same reasons set forth above in support of claim 1.

Regarding claims 7 and 9, they are patentable over Toshiyuki and Yamagami for reasons similar to those set forth above in support of claim 1. That is, claims 7 and 9 each recite, in part, writing, at a time of recording new drive-specific information, the new drive-specific information to a first sector in a new cluster, and to write information from all sectors except a last sector in an immediately preceding cluster to remaining sectors following the first sector in the new cluster which includes the new drive-specific information, the immediately preceding cluster being recorded with all previous records of drive-specific information, wherein the new cluster is immediately next to the preceding cluster in the same drive information area in an outward radial direction of the optical disc, which features are not disclosed or suggested by the references.

Because of the above-mentioned distinctions, it is believed clear that claims 1, 3, 4, 7, 9 and 11 are patentable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in

claims 1, 3, 4, 7, 9 and 11. Therefore, it is submitted that claims 1, 3, 4, 7, 9 and 11 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

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